

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Criselda Reyes, Emmanuel Reyes,)	Civil Action No. 2:21-00520-DCN-MGB
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
Dorchester County of South Carolina, et al,)	
)	
Defendants.)	
_____)	

Plaintiffs Criselda Reyes and Emmanuel Reyes, appearing *pro se*, filed this action under 42 U.S.C. § 1983, regarding the alleged improper regulation of Plaintiffs’ private property. (Dkt. No. 14.) Before the Court is Plaintiffs’ Motion to Appoint Counsel.¹ (Dkt. No. 52.) There is no constitutional right to have counsel appointed in a civil case. *Whisenant v. Yuam*, 739 F.2d 160, 163 (4th Cir. 1984). While this court has discretion to appoint counsel for an indigent in a civil action, Plaintiffs are not indigent here. 28 U.S.C. § 1915(e); *Smith v. Blackledge*, 451 F.2d 1201, 1203 (4th Cir. 1971). Plaintiffs paid the filing fee in this case. (Dkt. No. 1.)

Further, counsel is appointed in § 1983 cases only when exceptional circumstances exist. *Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975). The Fourth Circuit has stated that the existence of exceptional circumstances “will turn on the quality of two basic factors—the type and complexity of the case, and the abilities of the individuals bringing it.” *Brock v. City of Richmond*, 983 F.2d 1055 (4th Cir. 1993) (unpublished table decision) (quoting *Whisenant*, 739 F.2d at 163). This is not the type of case which presents factors that clearly reflect a need for Plaintiffs to have counsel appointed. Plaintiffs have shown themselves able to represent their interests to this point

¹ All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(e), DSC.

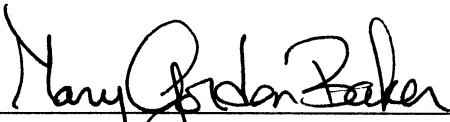
in the lawsuit; the case itself does not appear atypically complex; and it is not clear at this point whether a trial will be required.

Based on the foregoing, Plaintiffs' Motion to Appoint Counsel (Dkt. No. 52) DENIED.

AND IT IS SO ORDERED.

December 13, 2021

Charleston, South Carolina



MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE